d.) Remarks

In the present Action, the primary reference relied on in rejecting claims is the Liao patent, which describes a touch screen and sensing pen. The pen includes a plurality of switches for connecting to connect a coil within the pen to form different LC loops that operate at different resonant frequencies. The coil is energized by a RF field radiated by the touch screen unit. The touch screen unit receives RF signals from the pen to indicate a mouse click or the like. Note that the pen does not provide any structure to selectively cover any of its switches to prevent accidental actuation. In addition, the reference does not teach a controller device for use with a touch screen that is releasably adhered to the touch screen.

A secondary reference cited in the rejection is the Yamanani patent, which describes a slightly different approach to a touch tablet and pen combination. It includes an antenna 13 that surrounds the touch tablet, and the pen includes a resonant antenna that re-radiates a RF signal. The signal is modulated to indicate events such as mouse clicks, or color choice for a drawn line, or erasure mode for the pen on the touch tablet. It also appears to show the use of an RF switch that switches the radiating coil between transmit mode and receive mode, and relies on the phase relationships of the transmitted and received signals.

Another secondary reference is Morita, which shows another form of touch tablet and pen combination. Despite the citation by the examiner, applicant does not find any description of RF transmission, resonant loops, or the like.

A further secondary reference is Sakamoto, which is cited to show a switch cover as we have described on the barrel of our pen embodiment. However,

Sakamoto describes a switch cover for a mouse device. A mouse is designed for far different manual interaction, in that a mouse is supported on a flat surface and is pushed by hand on the flat surface to move a computer cursor. In contrast, a pen device is continually supported by the hand that wields it, thereby requiring constant grip and contact by the hand.

Another secondary reference from Japan that is not applied in a rejection is from the same inventor, Morita. It also discloses a touch pen having a resonant circuit and switch. Here the intent appears to be (the literal translation is difficult to understand) to emulate an eraser mode, so that using the eraser end of the pen causes a switch on the pen to close. The closed switch activates the resonant antenna, and reception of the resulting resonant signal tells the system to enter "erase" mode and empty the pixels touched by the eraser end.

In all the secondary references, the same distinctions noted above are found: the pens do not provide any structure to selectively cover any of its switches to prevent accidental actuation, and there is no teaching of a controller device for use with a touch screen is releasably adhered to the touch screen.

The claims have been amended to point out these distinctions. Claim 1 has been amended by adding "means for releasably adhering said at least one physical control device to said touch screen," thereby distinguishing this independent claim from all the references. Thus claim 1 and all claims dependent thereon (2-11, 22-25) should be allowed.

Claim 12, indicated as allowable in the instant Action, has been amended to include the entire recitation of old claims 1, from which it depends, so that it is

restated in independent form. Claim 12 is now allowable, as are claims 13-16 which depend therefrom.

Claim 17 has been amended to include the recitation of old claim 1, as well as from claims 18-21. Notably, it recites cover means movably secured to the barrel portion, the cover means being selectively movable on the barrel portion to prevent operation of the touch contact means. The Sakamoto reference falls far short of describing or suggesting this structure, and claim 17 is patentably defined over the reference and should be allowed.

Claim 26, an independent method claim, has been amended to include the step of releasably adhering the at least one physical control device to the touch screen. None of the references provide for this function, and claim 26 should be allowed. Likewise, claims 27-29 depend from claim 26 and are likewise allowable.

All claims now presented have been indicated as allowable, or have been amended to become allowable, and this application is now in condition for issuance. Action toward that end is earnestly solicited.

Respectfully Submitted,

Harris Zimmerman, Esq.
Registration No. 16, 437
Attorney for Applicant
Law Offices of Harris Zimmerman
1330 Broadway, Suite 710
Oakland, California 94612
(510) 465-0828

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as properly posted first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450, on

_____.

July 18, 2003
date